

Judge Burgess

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
Tacoma Division

ALBERT K. KWAN,

Petitioner,

v.

BUREAU OF ALCOHOL, TOBACCO,
FIREARMS, AND EXPLOSIVES,
Division of the Department of Justice,

Respondent.

NO: CV-03-02626

**STIPULATION AND ORDER
MODIFYING PRETRIAL ORDER**

NOW COMES the Plaintiff, Albert Kwan (“Kwan”) and the Defendant, Bureau of Alcohol, Tobacco, Firearms, and Explosives (the “ATF”) and file this their Stipulation and Order Modifying the Pretrial Order in this case, and in support thereof, respectfully represent as follows:

On September 1, 2004, the Court entered its standard pretrial order in this case. The pre-trial order provided for various deadlines and requirements of the parties, including a requirement that the parties to complete the mediation process under Local Rule 39.1 by June 22, 2005.

This case represents an appeal from an administrative decision of a federal agency--a type of case in which the parties are usually exempted from the mediation requirements of Local Rule 39.1.

Accordingly, the parties respectfully request that they be relieved of the requirements in the Court’s standard pre-trial order that the parties go through the mediation process under Local Rule 39.1.

However, because the parties are desirous of settling this case if at all possible, Kwan and the AFT have carefully considered the question whether mediation might still be productive in this case. The parties have agreed that while, given the nature of this case, mediation would not be productive at this time, it is possible that it mediation might be productive in the future, after the parties have completed

1 their briefing on the ATF's motion for summary judgment. Accordingly, the parties respectfully request
2 that the Court modify the existing pretrial order to exempt them from the requirements of local Rule 39.1,
3 but to permit the parties to engage in mediation at the request of either, provided that any such mediation
4 be completed no later than August 31, 2005, on which date the parties shall file with the Court a report of
5 the result of their progress in this respect.

6 Dated this 8th day of July, 2005.

7 JOHN MCKAY
United States Attorney


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13 Dated this 8th day of July, 2005.

14 s/Eric R. Stahlfeld
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17 **IT IS SO ORDERED.**

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19 Dated this 12th day of July, 2005.

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21 FRANKLIN D. BURGESS
22 UNITED STATES DISTRICT JUDGE
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